

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAREY L. REYNOLDS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 2:24-cv-01546-DGE

ORDER ON MOTION TO
PROCEED IN FORMA PAUPERIS
(DKT. NO. 1)


This matter comes before the Court on Plaintiff Carey Reynolds’ motion for leave to proceed *in forma pauperis* (Dkt. No. 1.) Pursuant to 28 U.S.C. § 1915(a), the Court may permit an indigent litigant to proceed in forma pauperis if the litigant submits an affidavit that declares all assets, the nature of the action, and an entitlement to redress. “[A]n affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs ... and still be able to provide himself and dependents with the necessities of life.” *Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 203 (1993) (quoting *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal quotation marks removed). “This

generally includes incarcerated individuals with no assets and persons who are unemployed and dependent on government assistance.” *Portillo v. US Citizenship & Immigr. Servs.*, No. C21-5312BHS, 2021 WL 3015201, *1 (W.D. Wash. June 2, 2021). A court should “deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.” *Tripati v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987).

Plaintiff’s affidavit establishes her indigency. She is not employed and has been dependent on disability assistance for the last four years. (Dkt. No. 1 at 1.) Plaintiff does not have sufficient assets to pay the filing fee. (Dkt. No. 1 at 2.) The action, an appeal of the Commissioner of the Social Security Administration’s denial of Plaintiff’s application for Supplemental Security Income, is not frivolous or clearly without merit. *See Tripati* 821 F.2d at 1369. Plaintiff declares that she has exhausted all administrative remedies and is properly appealing a final administrative decision under Title XVI of the Social Security Act. (Dkt. No. 1-1 at 2.)

Accordingly, the motion for leave to proceed *in forma pauperis* (Dkt. No. 1) is GRANTED and the complaint may be filed.

Dated this 17th day of October, 2024.



David G. Estudillo
United States District Judge